

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ERNEST STONEBRAKER and
THERESA STONEBRAKER,
Defendants.

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:
:

No. ~~4~~:20-CR-267

(Judge)

INDICTMENT

THE GRAND JURY CHARGES:

COUNT 1
Conspiracy
18 U.S.C. §§ 371 and 2

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From in or about March 2019 and continuing to on or about May 20, 2019, in the Middle District of Pennsylvania, and elsewhere, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER, did knowingly and intentionally combine, conspire, confederate and agree with each other and with other persons both known and unknown to the Grand Jury, to commit: (1) Theft of Mail Matter and Possession of Stolen Mail Matter, in violation of Title 18, United States Code, Section 1708; (2) Access Device Fraud, in violation of Title 18, United States Code, Section 1029; and (3) Aggravated Identity Theft, in violation of

Title 18, United States Code, Section 1028A, when they stole, took, and possessed mail matter of others and took and removed from such mail matter articles and things contained therein, including credit card information, other personal and financial documents, and other property of others, knowing the same to have been stolen and taken, and converted those items to their own use, including by effecting unauthorized credit card transactions, and by using the personal identifying information of others, as obtained from stolen personal and financial documents, to apply for and open credit cards in the names of others, by creating and presenting false identification documents and by other means, and by making unauthorized charges on those credit cards, and thereby obtaining and receiving more than \$1000 in value during a one year period, in violation of Title 18, United States Code, Section 1708 (Theft or Receipt of Stolen Mail Matter), Title 18, United States Code, Sections 1029(a)(2) and (a)(5) (Access Device Fraud), and Title 18, United States Code, Section 1028A (Aggravated Identity Theft).

MANNER AND MEANS OF THE CONSPIRACY

It was part of the conspiracy that the defendants, **ERNEST**

STONEBRAKER and THERESA STONEBRAKER, and their co-conspirators, employed the following manner and means, among others:

1. Defendants and their co-conspirators stole items of U.S. mail, thereby obtaining personal identification information and financial information, including credit card information, belonging to their neighbors and other residents of Columbia County, Pennsylvania.
2. Defendants and their co-conspirators possessed, compiled and cataloged the stolen personal identification and financial information of others that they obtained from the stolen U.S. mail.
3. Defendants and their co-conspirators used the personal identification and financial information of others that they obtained from the stolen U.S. mail, and other means, to attempt to obtain and to obtain credit cards (and associated credit card accounts) in the names of others, without the knowledge or authorization of the account holders, including by making and presenting false identification documents in the names of others.
4. Defendants and their co-conspirators attempted to use and used the fraudulently obtained credit cards in the names of others to effect transactions and to obtain items of value, including cash, goods and services, from retailers in Columbia County and Luzerne County,

Pennsylvania, and elsewhere.

5. Between on or about April 8, 2019 and May 20, 2019, defendants and their co-conspirators successfully used the fraudulently obtained credit cards in the names of others to make purchases totaling well over \$1000 and thereby obtained cash, goods, services and other value totaling well over \$1000.

6. Defendants and their co-conspirators obtained this cash, goods, services and other value at the expense of the defrauded account holders, retailers, and credit and financial institutions that managed the credit card accounts.

7. Defendants and their co-conspirators shared in the fraudulently obtained cash, goods, services, and other proceeds of the fraud.

OVERT ACTS

In furtherance of and to effect the objects of the conspiracy, one or more of the co-conspirators committed one or more of the following overt acts within the Middle District of Pennsylvania.

1. During the month of March 2019 and/or April 2019, with the exact date being unknown by the Grand Jury, within the Middle

District of Pennsylvania, defendant **ERNEST STONEBRAKER** stole from a letter box at the Berwick, Pennsylvania residence of victim "J.K." items of mail matter that belonged to victim "J.K." and that included information related to a Home Depot Citibank credit card in the name of "J.K."

2. On or about April 11, 2019, within the Middle District of Pennsylvania, defendant **ERNEST STONEBRAKER** used a fraudulently obtained Home Depot Citibank credit card in the name of victim "J.K." to effect an unauthorized transaction in the amount of \$663.80 at the Home Depot in Bloomsburg, Pennsylvania.

3. On or about April 14, 2019, within the Middle District of Pennsylvania, defendant **THERESA STONEBRAKER** used a fraudulently obtained Home Depot Citibank credit card in the name of victim "J.K." to effect an unauthorized transaction in the amount of \$1316.09 at the Home Depot in Bloomsburg, Pennsylvania.

4. On or about May 4, 2019, defendants **ERNEST STONEBRAKER** and **THERESA STONEBRAKER** traveled to a letter box at the Berwick, Pennsylvania residence of victim "J.K." and attempted to steal and stole additional mail matter from "J.K."

5. On or about April 23, 2019, within the Middle District of Pennsylvania, defendant **ERNEST STONEBRAKER** used a fraudulently obtained PNC Core VISA credit card in the name of victim "R.S." to effect an unauthorized transaction in the amount of \$75.01 at the Sunoco in Millville, Pennsylvania.

6. On or about April 22, 2019, within the Middle District of Pennsylvania, defendants **ERNEST STONEBRAKER** and **THERESA STONEBRAKER** used a fraudulently obtained PNC Core VISA credit card in the name of victim "R.S." to effect an unauthorized transaction in the amount of \$322.67 at the Wal*Mart in Bloomsburg, Pennsylvania.

7. On or about April 22, 2019, within the Middle District of Pennsylvania, defendant **THERESA STONEBRAKER** used a fraudulently obtained PNC Core VISA credit card in the name of victim "R.S." to effect an unauthorized transaction in the amount of \$173.50 at the Petco in Bloomsburg, Pennsylvania.

8. On or about April 23, 2019, within the Middle District of Pennsylvania, defendant **THERESA STONEBRAKER** used a fraudulently obtained PNC Core VISA credit card in the name of victim

“R.S.” to effect an unauthorized transaction in the amount of \$115.04 at the Petco in Bloomsburg, Pennsylvania.

9. On or about May 6, 2019, within the Middle District of Pennsylvania, an unindicted co-conspirator of defendants **ERNEST STONEBRAKER** and **THERESA STONEBRAKER** used a fraudulently obtained Sam’s Plus credit card in the name of victim “R.B.” to effect an unauthorized transaction in the amount of \$510.88 at the Wal*Mart in Bloomsburg, Pennsylvania.

10. On or about May 7, 2019, within the Middle District of Pennsylvania, **ERNEST STONEBRAKER** and **THERESA STONEBRAKER** used a fraudulently obtained Sam’s Plus credit card in the name of victim “R.B.” to effect an unauthorized transaction in the amount of \$280.90 at the Wal*Mart in Wilkes-Barre, Pennsylvania.

11. On or about May 7, 2019, within the Middle District of Pennsylvania, **ERNEST STONEBRAKER** and **THERESA STONEBRAKER** attempted to use a fraudulently obtained Sam’s Plus credit card in the name of victim “R.B.” to effect an unauthorized transaction in the amount of \$509.12 at the Wal*Mart in Wilkes-Barre, Pennsylvania.

12. On or about April 9, 2019, within the Middle District of Pennsylvania, **ERNEST STONEBRAKER** placed one or more phone calls to Capital One in connection with a fraudulently obtained Capital One Platinum Master Card credit card in the name of victim "S.J.", during which he falsely identified himself, by name, date of birth and social security number, as victim "S.J."

13. On May 20, 2019, defendants **ERNEST STONEBRAKER** and **THERESA STONEBRAKER** possessed numerous items of mail matter, which had been stolen from their neighbors in the Pleasant View Mobile Home Park in Berwick, Pennsylvania and from other residents of Berwick, Pennsylvania and elsewhere.

14. On May 20, 2019, defendants **ERNEST STONEBRAKER** and **THERESA STONEBRAKER** possessed one or more false identification documents in the names of other residents of Columbia County, Pennsylvania.

15. On May 20, 2019, defendants **ERNEST STONEBRAKER** and **THERESA STONEBRAKER** possessed one or more unauthorized access devices (fraudulently obtained credit cards) in the names of other residents of Columbia County, Pennsylvania.

16. On May 20, 2019, defendants **ERNEST STONEBRAKER and THERESA STONEBRAKER** possessed a multi-page, bound, hand-written ledger containing the names and personal identification information, including addresses, social security numbers, and dates of birth, of more than 70 other residents of Columbia County, Pennsylvania and elsewhere.

All in violation of Title 18, United States Code, Sections 371 and 2.

THE GRAND JURY FURTHER CHARGES:

COUNT 2
Theft of Mail Matter
18 U.S.C. §§ 1708 and 2

On or about May 4, 2019, in Columbia County, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER, did knowingly and intentionally steal, take and abstract from and out of a letter box, mail receptacle, and authorized depository for mail matter, located in Berwick, Pennsylvania 18603, a letter, mail, and article and thing contained therein, addressed to an individual with initials "J.K." at an address in Berwick, Pennsylvania 18603, and did attempt to do so, in violation of Title 18, United States Code, Sections 1708 and 2 and

Pinkerton v. United States, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT 3
Theft of Mail Matter
18 U.S.C. §§ 1708 and 2

On or about May 5, 2019, in Columbia County, in the Middle
District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER

did knowingly and intentionally steal, take and abstract from and out of
a letter box, mail receptacle, and authorized depository for mail matter,
located in Berwick, Pennsylvania 18603, a letter, mail, and article and
thing contained therein, addressed to an individual with initials "J.K."
at an address in Berwick, Pennsylvania 18603, and did attempt to do so,
in violation of Title 18, United States Code, Sections 1708 and 2 and
Pinkerton v. United States, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT 4
Possession of Stolen Mail Matter
18 U.S.C. §§ 1708 and 2

On or about May 20, 2019, in Columbia County, in the Middle
District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,
did receive, conceal and possess any letter, mail, and article and thing
contained therein, which had been stolen, taken and abstracted from a
letter box, mail receptacle, and authorized depository for mail matter,
knowing that the letter, mail, and article and thing contained therein
had been so stolen, taken and abstracted, in violation of Title 18, United
States Code, Sections 1708 and 2 and *Pinkerton v. United States*, 328
U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT 5

**Unlawful Possession of False Identification Documents
18 U.S.C. §§ 1028(a)(3) and 2**

On or about May 20, 2019, in Columbia County, in the Middle
District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER

did knowingly possess without authorization and with the intent to use
unlawfully, in and affecting interstate commerce, five or more
identification documents, authentication features and false
identification documents, to wit, fake social security cards and social
security numbers issued to other people, and fake Pennsylvania driver's

license cards and Pennsylvania driver's license numbers issued to other people, in violation of Title 18, United States Code, Sections 1028(a)(3) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT 6

**Possession of Fifteen or More Unauthorized Access Devices
18 U.S.C. §§ 1029(a)(3) and 2**

On or about May 20, 2019, in Columbia County, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER

did knowingly and with the intent to defraud possess at least 15 unauthorized and counterfeit access devices, to wit, credit cards and debit cards and credit card and debit card account numbers assigned to other persons, with said possession having an effect on interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(3) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT 7
Access Device Fraud
(Use of Unauthorized Access Device)
18 U.S.C. §§ 1029(a)(2) and 2

From on or about April 8, 2019 to on or about May 8, 2019, in Columbia County, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER, did knowingly and with the intent to defraud use an unauthorized access device, to wit, a Home Depot Citibank consumer credit card, number XXXX XXXX XXXX 4377, in the name of victim "J.K.", stolen and obtained with intent to defraud, and by such conduct, during a one year period, obtained \$1000 and more in value, to wit, over \$1000 in merchandise and gift cards from Home Depot, said use affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(2) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT 8
Access Device Fraud
(Illegal Transactions with Access Device)
18 U.S.C. §§ 1029(a)(5) and 2

From on or about April 8, 2019 to on or about May 8, 2019, in Columbia County, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER, did knowingly and with the intent to defraud effect transactions with an access device issued to another person, to wit, a Home Depot Citibank consumer credit card, number XXXX XXXX XXXX 4377, issued to victim "J.K.", to receive \$1000 and more in payment and other things of value, to wit, merchandise and gift cards from Home Depot, with an aggregate value greater than \$1,000, during a one year period, said conduct affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(5) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT 9
Aggravated Identity Theft
18 U.S.C. §§ 1028A(a)(1) and 2

From on or about April 8, 2019 to on or about May 8, 2019, in Columbia County, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, a Home Depot Citibank consumer credit card in the name of victim "J.K.", during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, (1) the violation of Title 18, United States Code, Section 1029(a)(2) alleged in Count 7 of this Indictment; and (2) the violation of Title 18, United States Code, Section 1029(a)(5) alleged in Count 8 of this Indictment, knowing that the means of identification belonged to another actual person.

All in violation of Title 18, United States Code, Section 1028A(a)(1) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

10

**Access Device Fraud
(Use of Unauthorized Access Device)
18 U.S.C. §§ 1029(a)(2) and 2**

From on or about April 22, 2019 to on or about April 28, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,
did knowingly and with the intent to defraud use an unauthorized access device, to wit, a PNC Core Visa credit card, number XXXX XXXX XXXX 1381, in the name of victim "R.S.", stolen and obtained with intent to defraud, and by such conduct, during a one year period, obtained \$1000 and more in value, to wit, over \$1000 in cash withdrawals and goods and services from retailers in Columbia County and Luzerne County, Pennsylvania, said use affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(2) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

11

**Access Device Fraud
(Illegal Transactions with Access Device)
18 U.S.C. §§ 1029(a)(5) and 2**

From on or about April 22, 2019 to on or about April 28, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,

did knowingly and with the intent to defraud effect transactions with an access device issued to another person, to wit, a PNC Core Visa credit card, number XXXX XXXX XXXX 1381, in the name of victim "R.S.", to receive \$1000 and more in payment and other things of value, to wit, cash withdrawals and goods and services from retailers in Columbia County and Luzerne County, Pennsylvania, with an aggregate value greater than \$1,000, during a one year period, said conduct affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(5) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

12

**Aggravated Identity Theft
18 U.S.C. §§ 1028A(a)(1) and 2**

From on or about April 22, 2019 to on or about April 28, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, a PNC Core VISA credit card in the name of victim “R.S.”, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, (1) the violation of Title 18, United States Code, Section 1029(a)(2) alleged in Count 10 of this Indictment; and (2) the violation of Title 18, United States Code, Section 1029(a)(5) alleged in Count 11 of this Indictment, knowing that the means of identification belonged to another actual person.

All in violation of Title 18, United States Code, Section 1028A(a)(1) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

13

**Access Device Fraud
(Use of Unauthorized Access Device)
18 U.S.C. §§ 1029(a)(2) and 2**

From on or about May 8, 2019 to on or about May 20, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,

did knowingly and with the intent to defraud use an unauthorized access device, to wit, a Capital One Saver MasterCard credit card, number XXXX XXXX XXXX 7073, in the name of victim "R.S.", stolen and obtained with intent to defraud, and by such conduct, during a one year period, obtained \$1000 and more in value, to wit, over \$1000 in cash withdrawals and goods and services from retailers in Columbia County and Luzerne County, Pennsylvania, said use affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(2) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

14

**Access Device Fraud
(Illegal Transactions with Access Device)
18 U.S.C. §§ 1029(a)(5) and 2**

From on or about May 8, 2019 to on or about May 20, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,

did knowingly and with the intent to defraud effect transactions with an access device issued to another person, to wit, a Capital One Saver MasterCard credit card, number XXXX XXXX XXXX 7073, in the name of victim "R.S.", to receive \$1000 and more in payment and other things of value, to wit, over \$1000 in cash withdrawals and goods and services from retailers in Columbia County and Luzerne County, Pennsylvania, with an aggregate value greater than \$1,000, during a one year period, said conduct affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(5) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

15

**Aggravated Identity Theft
18 U.S.C. §§ 1028A(a)(1) and 2**

From on or about May 8, 2019 to on or about May 20, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,
did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, a Capital One Saver MasterCard credit card in the name of victim “R.S.”, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, (1) the violation of Title 18, United States Code, Section 1029(a)(2) alleged in Count 13 of this Indictment; and (2) the violation of Title 18, United States Code, Section 1029(a)(5) alleged in Count 14 of this Indictment, knowing that the means of identification belonged to another actual person.

All in violation of Title 18, United States Code, Section 1028A(a)(1) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

16

Access Device Fraud

(Use and Attempted Use of Unauthorized Access Device)

18 U.S.C. §§ 1029(a)(2), (b)(1) and 2

From on or about May 6, 2019 to on or about May 7, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,

did knowingly and with the intent to defraud use and attempt to use an unauthorized access device, to wit, a Sam's Plus credit card, number XXXX XXXX XXXX 4206, in the name of victim "R.B.", stolen and obtained with intent to defraud, and by such conduct, during a one year period, obtained and attempted to obtain \$1000 and more in value, to wit, over \$1000 in cash withdrawals and goods and services from retailers in Columbia County and Luzerne County, Pennsylvania, said use affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(2), (b)(1) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

17

**Access Device Fraud
(Illegal Transactions with Access Device)
18 U.S.C. §§ 1029(a)(5), (b)(1) and 2**

From on or about May 6, 2019 to on or about May 7, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,
did knowingly and with the intent to defraud effect transactions and attempt to effect transactions with an access device issued to another person, to wit, a Sam's Plus credit card, number XXXX XXXX XXXX 4206, in the name of victim "R.B.", to receive \$1000 and more in payment and other things of value, to wit, over \$1000 in cash, goods and services from retailers in Columbia County and Luzerne County, Pennsylvania, with an aggregate value greater than \$1,000, during a one year period, said conduct affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(5), (b)(1) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

18

**Aggravated Identity Theft
18 U.S.C. §§ 1028A(a)(1) and 2**

From on or about May 6, 2019 to on or about May 7, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, a Sam's Plus credit card (access device) in the name of victim "R.B.", during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, (1) the violation of Title 18, United States Code, Section 1029(a)(2) and (b)(1) alleged in Count 16 of this Indictment; and (2) the violation of Title 18, United States Code, Section 1029(a)(5) and (b)(1) alleged in Count 17 of this Indictment, knowing that the means of identification belonged to another actual person.

All in violation of Title 18, United States Code, Section 1028A(a)(1) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

19

**Access Device Fraud
(Use of Unauthorized Access Device)
18 U.S.C. §§ 1029(a)(2) and 2**

From on or about April 9, 2019 to on or about April 19, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,

did knowingly and with the intent to defraud use an unauthorized access device, to wit, a Capital One Platinum Master Card credit card, number XXXX XXXX XXXX 5142, in the name of victim "S.J.", stolen and obtained with intent to defraud, and by such conduct, during a one year period, obtained \$1000 and more in value, to wit, over \$1000 in cash withdrawals and goods and services from retailers in Columbia County and Luzerne County, Pennsylvania, said use affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(2) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

20

**Access Device Fraud
(Illegal Transactions with Access Device)
18 U.S.C. §§ 1029(a)(5) and 2**

From on or about April 9, 2019 to on or about April 19, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER, did knowingly and with the intent to defraud effect transactions with an access device issued to another person, to wit, a Capital One Platinum Master Card credit card, number XXXX XXXX XXXX 5142, in the name of victim "S.J.", to receive \$1000 and more in payment and other things of value, to wit, over \$1000 in cash withdrawals and goods and services from retailers in Columbia County and Luzerne County, Pennsylvania, with an aggregate value greater than \$1,000, during a one year period, said conduct affecting interstate commerce, in violation of Title 18, United States Code, Sections 1029(a)(5) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

COUNT

21

**Aggravated Identity Theft
18 U.S.C. §§ 1028A(a)(1) and 2**

From on or about April 9, 2019 to on or about April 19, 2019, in the Middle District of Pennsylvania, the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER, did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person, to wit, a Capital One Platinum Master Card credit card in the name of victim “S.J.”, during and in relation to a felony violation enumerated in Title 18, United States Code, Section 1028A(c), to wit, (1) the violation of Title 18, United States Code, Section 1029(a)(2) alleged in Count 19 of this Indictment; and (2) the violation of Title 18, United States Code, Section 1029(a)(5) alleged in Count 20 of this Indictment, knowing that the means of identification belonged to another actual person.

All in violation of Title 18, United States Code, Section 1028A(a)(1) and 2 and *Pinkerton v. United States*, 328 U.S. 640 (1946) (*Pinkerton* liability).

THE GRAND JURY FURTHER CHARGES:

FORFEITURE ALLEGATION

The allegations contained in Counts 1 through 8, and Counts 10,11,13,14,16,17,19, and 20, of this Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982.

Pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 982, upon conviction of an offense in violation of Title 18, United States Code, Section 371, Title 18, United States Code, Section 1708, Title 18, United States Code, Section 1028(a)(3), and Title 18, United States Code, Sections 1029(a)(2), (a)(3), and (a)(5), the defendants,

ERNEST STONEBRAKER and THERESA STONEBRAKER,
shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the

offenses. The property to be forfeited includes, but is not limited to the following:

- a. an HP Compact tower serial number 2VA00915HO;
- b. an Asus Laptop model X205T;
- c. a red HP laptop model 15-bs134wm, intel radio model 316BNGW;
- d. a black TCL phone, smartphone body style, 7276 written on case;
- e. a black LG IMEI number 352439-10-266024-2, model LM-Q710MS;
- f. a silver Samsung SM-J737T;
- g. a black TCL phone, smartphone body style;
- h. an AT&T AXIA model QS5509A, IMEI 357485092357633;
- i. a Samsung Galaxy J1, blue metallic colored, labeled as Verizon LTE;
- j. a black ALCATEL IMEI number 015126004114720, model 6062W;
- k. a black ALCATEL flip phone, phone model A405DL;
- l. a Philips USP Thumb drive 32GB; and

m. a Sandisk Cruzer Glide 16GB.

If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code, Section 2461(c), and Title 18, United

States Code, Section 982.

A TRUE BILL

DAVID J. FREED
United States Attorney

[REDACTED]

FOREPERSON

Date: 10-20-20

By:

[REDACTED]

~~JEFFERY ST JOHN~~
Assistant United States Attorney

